

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CERVECERIA MODELO, S.A. DE
C.V. et al., :

Plaintiffs, : ORDER

-against- : 07 Civ. 7998 (HB) (MHD)

USPA ACCESSORIES LLC, :

Defendant. :
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MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE:

Defendant has sought production of a document referred to as "Brand Guidelines". Plaintiffs objected on the ground that the document was highly sensitive -- the functional equivalent of the secret formula for Coca Cola, according to plaintiffs' counsel -- and either not relevant or else marginally relevant. At our direction plaintiffs submitted the document for in camera review but have not provided any evidence to demonstrate commercial sensitivity. Having now read through the document, we conclude that plaintiffs fail to justify withholding it from defendant's counsel. The document is plainly not so sensitive as to justify the relief that plaintiffs seek. Indeed, apart from many illustrations, it contains minimal and very obvious pointers about branding the Corona line of beers and little else. As for relevance, it appears sufficiently relevant within the broad parameters of Fed. R. Civ. 26(b)(1) to justify its production. For present purposes, it is to

be produced on an "attorney's eyes only" basis, and returned to plaintiffs' counsel at the conclusion of the litigation.

Dated: New York, New York
August 14, 2008



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been mailed today to:

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